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IN THE OFFICE OF ADMINISTRATIVE HEARINGS

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IN THE MATTER OF:

No. 03F-020059-AAG

Yuri Downing,

Appellant.

**ORDER VACATING HEARING AND
RECOMMENDATION TO GRANT
APPELLANT'S MOTION TO DISMISS**

This matter came before the Office of Administrative Hearings for the purpose of conducting an administrative hearing on Appellant Yuri Downing's appeal of the Order by the Citizens Clean Elections Commission issued on April 30, 2003, in MUR No. 02/0059. That Order requires Mr. Downing to repay all of the clean election funding he received from the Commission for his State Senate campaign in 2002, which totals \$41,155.43.

The administrative hearing was conducted on July 24, 2003, August 22, 2003, October 2, 2003, October 7, 2003, October 9-10, 2003, October 24, 2003, November 5, 2003 and December 3, 2003. Yuri Downing appeared personally. The Citizens Clean Elections Commission was represented by Assistant Attorney General Diana Varela and Special Counsel Jessica Funkhouser of the Office of the Attorney General. Evidence and testimony were presented on those hearing dates, with the exception of December 3, 2003.

At the commencement of the scheduled further hearing on December 3, 2003, Mr. Downing made an oral motion to dismiss his appeal in this matter. Mr. Downing acknowledged that he understood his right to appeal the Commission's order of repayment, that he had the burden of proof in his appeal, that he had the right to present evidence in support of his appeal, that he had the right to cross examine any witnesses called by the Commission and that he had the right to object to any evidence submitted by the Commission. Mr. Downing further acknowledged that he understood that a

1 dismissal of his appeal would result in the Commission's order of repayment being
2 effective.

3 It is determined that Mr. Downing made a knowing and voluntary request to
4 withdraw his appeal in this matter.

5 The authority to grant the motion to dismiss Mr. Downing's appeal lies with the
6 Citizens Clean Elections Commission.

7 In view of the foregoing and pursuant to A.A.C. R2-19-111(4), IT IS ORDERED
8 that the further hearing in this matter on December 3, 2003 be vacated, and it is
9 recommended to the Citizens Clean Elections Commission that Mr. Downing's motion
10 to dismiss his appeal of the Order in MUR No. 02/0059 requiring his repayment of clean
11 elections funding in the amount of \$41,155.43 be granted.

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13 Done this day, December 3, 2003.

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18 Brian Brendan Tully
19 Administrative Law Judge
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3 Copy transmitted by mail this
4 _____ day of _____, 2003 to:

5 Terry Goddard, Attorney General
6 Office of the Attorney General
7 1275 West Washington
8 Phoenix, AZ 85007

9 Yuri Downing
10 7742 E. Granada Rd.
11 Scottsdale, AZ 85257

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19 Colleen Connor
20 Executive Director
21 Citizens Clean Elections Commission
22 Attn.: Paula Ortiz
23 1616 West Adams, Suite 110
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By _____